REMARKS

As a matter of general review, the instant invention relates to a removably attached device which may be used with a fabric article drying appliance such as a tumble dryer.

35 U.S.C. § 112 Rejections

Claims 12 - 13 are rejected under 35 U.S.C. §112, second paragraph for the reasons of record stated on page 2 of the Office Action. With regard to the rejection of Claim 12, Page 2 of the Office Action indicates that Claim 12 recites that there is insufficient antecedent basis for the limitation "said power source". Referring to Claim 12, Applicants respectfully point out that prior to the limitation "said power source", Claim 12 reads: "*The device according to Claim 11 further comprising a power source...*". Hence, Applicants believe that Claim 12 does have sufficient antecedent basis for this limitation. With regard to Claim 13, Applicants have amended this claim to provide sufficient antecedent basis. As the rejection under 35 U.S.C. §112 has been overcome, Applicants respectfully request reconsideration and withdrawal of this rejection.

35 U.S.C. § 102 Rejections

Claims 1 - 4, 11, 13 - 16, 18, 21 - 22, and 24 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,980,583 issued to Staub et al. (hereinafter "Staub et al.") for the reasons of record stated on page 3 of the Office Action. Applicants respectfully traverse this rejection. Claims 1, 11, 21, and 22 have been amended to more particularly define Applicant's invention. Support for this amendment is found on pages 8 - 11 of the instant application.

Staub et al. purports to disclose a tumble dryer [Staub et al., column 3, lines 30 - 35] which includes a garment door access window [Staub et al., column 4, lines 63 - 65]. A support bracket is attached to the garment access door for mounting an atomizer unit. [Staub et al., column 4, lines 65 - 67]. Holes can be drilled into the access door window for this purpose. [Staub et al., column 5, lines 1 - 3] The atomizer unit projects durable press resins into a tumbling drum through an access hole in the garment access door window of the tumbling drum. [Staub et al. column 5, lines 1 - 20]. The durable press resin is fed into the atomizer unit from a separate mix/measure storage tank. [Staub et al. column 6, lines 53 - 63].

To anticipate a claim, the reference must teach every element of the claim. "The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Staub et al. does not teach or suggest *inter alia* a device for use with a fabric article drying appliance wherein the device itself (separate from the drying appliance) includes a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction wherein the exothermic reaction is a metal oxidation reaction, a saturated salt reaction, or a combination thereof.

Hence, Claims 1 - 4, 11, 13 - 16, 18, 21 - 22, and 24 are not anticipated by Staub et al. Applicants respectfully request this rejection be reconsidered and withdrawn.

35 U.S.C. § 103 Rejections

Claims 5 - 10, 19, 23, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. Patent No. 4,242,377 issued to Roberts et al. (hereinafter "Roberts et al.") for the reasons of record stated on pages 3 - 4 of the Office Action. This rejection as it applies to Claim 5 is now moot as Claim 5 stands cancelled herewith without prejudice and hence will not be discussed further in this response.

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,891,890 issued to Church (hereinafter "Church") for the reasons of record stated on page 4 of the Office Action.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of U.S. 4,207,683 issued to Horton (hereinafter "Horton") for the reasons of record stated on page 4 of the Office Action.

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Staub et al. in view of Roberts et al. and further in view of U.S. 4,014,105 issued to Furgal et al. (hereinafter "Furgal et al.") for the reasons of record stated on page 5 of the Office Action.

Applicants respectfully traverse these rejections. "In order to establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success *must both* be found in the prior art, and *not* based on applicant's disclosure (emphasis added)." M.P.E.P. §2142 citing *In re Vacek*, 947 F,2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

It is believed that the amendments to the claims overcome the Examiner's rejections as none of the references in combination with Staub et al. teach or suggest *inter alia* a device for use with a fabric article drying appliance wherein the device itself (separate from the drying appliance) includes a means for heating a benefit composition wherein the benefit composition is heated by an exothermic reaction wherein the exothermic reaction is a metal oxidation reaction, a saturated salt reaction, or a combination thereof.

As the obviousness rejections are overcome, Applicants respectfully request these rejections be reconsidered and withdrawn.

SUMMARY

This is responsive to the Office Action dated August 10, 2005. A one-month extension of time is requested to respond to this rejection. As the rejections under 35 U.S.C. §112, §102 and §103 have been overcome, Applicants respectfully request these rejections be withdrawn and the claims allowed.

Respectfully submitted,
FOR: PANCHERI ET AL.;

BY: _____
Julia A. Glazer
Attorney for Applicants
Registration No. 41,783
(513) 627-4132

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Cincinnati, Ohio